

**APPROVED 8-25-16**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, July 21, 2016 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Donald F. Clark, Secretary  
Joseph P. Villano  
William D. O'Hare, Alternate, sitting for A.J. Wambolt

**MEMBERS ABSENT:**

A. J. Wambolt  
Jacob M. Piekarski, Alternate  
Robert A. Lockery, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Laura A. Magaraci, Zoning Enforcement Officer  
Sandra Lion, Clerk

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:35 PM and introduced the members of the Board, the Town staff, and the stenographer. Then, he explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. He stated that application #16-07, 375 Washington Avenue has been postponed to the August 25, 2016 meeting.

Mr. Hannon suggested hearing application #16-08, 97 Hartley Street, first. All were in favor.

**PUBLIC HEARINGS:**

Mr. Clark, Secretary, read the call for the Public Hearing:

4. #16-08      Application of Suzanne Twigg, Applicant and Owner, relative to 97 Hartley Street, (Map 41, Lot 89) per Section 2.1.1.9, requesting a side yard variance of 15.6' to permit a side yard setback of 4.6' where 20.2' is required and requesting an aggregate side yard variance of 15.6' to permit an aggregate side yard setback of 9.4' where 25' is required. R-12 Zoning District.

Ms. Suzanne Twigg, applicant and owner, presented the application to permit the construction of a 14' x 20' deck with a privacy wall on the easternmost portion of the deck. The Board asked questions and Ms. Twigg responded.

Mr. Hannon asked for public comment. There being none, the Public Hearing was closed.

## **DELIBERATIONS:**

## **PUBLIC HEARINGS:**

Mr. Clark moved to go into deliberations; Mr. Villano seconded the motion. All were in favor.

4. #16-08 Application of Suzanne Twigg, Applicant and Owner, relative to 97 Hartley Street.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye O'Hare – aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to this proposed deck only including a 6' high privacy wall installed from the surface of the deck and located on the easternmost side of the deck.
2. The request is reasonable.
3. The house predates the zoning regulations.

## **BREAK: 7:46 – 7:58 PM**

Mr. Clark read the call for the next Public Hearing and then Mr. Villano recused himself from this application.

1. #16-03 Application of American Sign Inc., Applicant, North Haven Holdings, LP, Owner, relative to 100 Universal Drive North, (Map 16, Lot 2), per Section 8.8.7.2 (3), requesting a sign area variance of 32 square feet to permit a sign area of 72 square feet where 40 square feet is permitted and a sign setback variance of 24' to permit a sign setback of one (1) foot where 25' is required and requesting a 6' aggregate girth variance to permit sign support posts of 12' girth where 6' girth is permitted. Also, per Section 8.8.7.2 (3), requesting a sign area variance of 40 square feet to enlarge an existing 180 square feet sign to 220 square feet, and requesting an aggregate sign area variance to permit an aggregate sign area of 688 square feet where a maximum of 80 square feet is permitted. IL-80 Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to enlarge the current multi-tenant sign to allow all the stores on the property to be featured on this pylon sign and a proposed new sign for better direction when entering the plaza located at 100 Universal Drive North. He described the variance requests and the hardships. Then, he submitted a photograph and a drawing of the sign as Exhibits A and B, and a sign detail drawing as Exhibit C. He stated that he would decrease the sign setback variance request from the proposed 24' to 20'. The Board asked questions and Attorney Pellegrino responded.

Mr. Hannon asked for public comment.

Public Comment:

1. John Lambert, 25 Trumbull Place, spoke in favor of the application but feels there is no reason to add an additional 40 square feet to the sign and that the hardships stated are not valid hardships. He stated that this site has a good view and then he submitted an aerial photograph of the site as Exhibit 1 and an internet article pertaining to the location of the site as Exhibit 2, and photographs of various signs located on Universal Drive as Exhibit 3.

Attorney Pellegrino responded to the public comment. There being no further questions, the Public Hearing was closed.

Mr. Clark, Secretary, read the call for the last Public Hearing and Mr. O'Hare recused himself from this application.

2. #16-06 Special Permit Application of Yaccarino's Auto Service, LLC, Applicant, LTD Realty Associates, LLC, Owner, relative to 319 Washington Avenue, (Map 85, Lot 4) per the Connecticut General Statutes Sections 14-54 and 14-55, seeking a Certificate of Location for a Limited Repairer's License. IL-30 Zoning District.

Attorney John Parese representing the applicant and the owner presented the application for a Certificate of Location for a Limited Repairer's License. He described the layout of the site and the businesses that reside in this plaza. Then, he described Mr. Yaccarino's business and stated that there is no body work being proposed. The Board asked questions and Attorney Parese responded.

Then, Attorney Parese discussed why his client's request meets all the criteria of the regulations. He stated that the owner made improvements to the site by making the driveway wider, adding a left turn lane onto Washington Avenue, and relocating a dumpster. He submitted three photographs of the site as Exhibits A, B and C and further discussed why the application should be approved. He stated that there will be no towing or the operation of a towing business on this site and cars staying overnight will be stored indoors. Also, there will be no heavy repairs. Mr. Lou Yaccarino, owner, stated that the hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday's from 8:00 a.m. to 1:00 p.m. except during the summer unless an emergency repair is needed.

Mr. Hannon asked for public comment:

**Public Comment:**

1. Tom White, 67 Summer Lane, 26 year resident, spoke in favor of the application and feels that there are no public health and safety issues and asked the Board to grant the Certificate of Location for a Limited Repairer's License.
2. William Mitchell, 50 Temple Street, 50 year resident, spoke in favor of the application. He stated that Mr. Yaccarino is an honest businessman and keeps his site clean. He does not see any traffic concerns with this site.
3. Maryann Pernal spoke in favor of the application and asked the Board to grant the license.

Chairman Hannon then asked the audience for a show of hands of people in support of Mr. Yaccarino and his application. Approximately thirty (30) people were in support.

There being no further questions, the Public Hearing was closed.

3. #16-07 Special Permit Application of Gengras Volvo, Applicant, 375 Washington Avenue, LLC, Owner, relative to 375 Washington Avenue, (Map 85, Lot 15) per the Connecticut General Statutes Sections 14-54 and 14-55, seeking a Certificate of Location for a New Car Dealer's License. IL-30 Zoning District.

This application has been postponed to the August 25, 2016 meeting.

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

1. #16-03 Application of American Sign Inc., Applicant, North Haven Holdings, LP, Owner, relative to 100 Universal Drive North.

Mrs. Genovese moved to approve the application; Mr. O'Hare seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Genovese – aye O'Hare –aye

The application was approved.

In approving the application, the Board stated the following:

1. The sign setback variance is decreased from 24' to 20'.
2. Three (3) trees must be removed for the installation of the new sign, to increase sightline to the south.
3. The request is reasonable.

2. #16-06 Special Permit Application of Yaccarino's Auto Service, LLC, Applicant, LTD Realty Associates, LLC, Owner, relative to 319 Washington Avenue.

Mr. Clark moved to approve the application with the conditions that there be no towing business, no heavy repairs, and no outside storage of vehicles; Mr. Villano seconded the motion.

The Board voted as follows:

Hannon – aye Clark – aye Genovese – aye Villano – aye

The application was approved.

In approving the application, the Board stated the following:

1. The approval is limited to no towing business, no outside storage of vehicles, and no heavy repairs (Limited Repairer's License).

**OTHER:**

-2017 Meeting Dates

Mrs. Genovese moved to approve the 2017 Meeting Dates; Mr. Clark seconded the motion. The Commission voted as follows:

Hannon – aye Clark – aye Genovese– aye Villano – aye O'Hare – aye

**CORRESPONDENCE:** Public Act No. 16-55

**MINUTES:**

June 16, 2016

Mr. Villano moved to approve the June 16, 2016 meeting minutes; Mrs. Genovese seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Genovese– aye Villano – aye

**ADJOURN:**

There being no further business, Mr. Villano moved to adjourn; Mrs. Genovese seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:22 PM.